

Appendix E:

Documentation on Water Authority Supplies

Documentation on Water Authority Supplies

Written Contracts or Other Proof

Imperial Irrigation District (IID) - Written Contracts or other Proof

The supply and costs associated with the transfer are based primarily on the following documents:

Agreement for Transfer of Conserved Water by and between IID and the Water Authority (April 29, 1998). This Agreement provides for a market-based transaction in which the Water Authority would pay IID a unit price for agricultural water conserved by IID and transferred to the Water Authority.

Revised Fourth Amendment to Agreement between IID and the Water Authority for Transfer of Conserved Water (October 10, 2003). Consistent with the executed Quantification Settlement Agreement (QSA) and related agreements, the amendments restructure the agreement and modify it to minimize the environmental impacts of the transfer of conserved water to the Water Authority.

Amended and Restated Agreement between Metropolitan and Water Authority for the Exchange of Water (October 10, 2003). This agreement was executed pursuant to the QSA and provides for delivery of the transfer water to the Water Authority.

Environmental Cost Sharing, Funding, and Habitat Conservation Plan Development Agreement among IID, Coachella Valley Water District (CVWD), and Water Authority (October 10, 2003). This Agreement provides for the specified allocation of QSA-related environmental review, mitigation, and litigation costs for the term of the QSA, and for development of a Habitat Conservation Plan.

Quantification Settlement Agreement Joint Powers Authority Creation and Funding Agreement (October 10, 2003). The purpose of this agreement is to create and fund the QSA Joint Powers Authority and to establish the limits of the funding obligation of CVWD, IID, and Water Authority for environmental mitigation and Salton Sea restoration pursuant to SB 654 (Machado).

Fifth Amendment to Agreement Between Imperial Irrigation District and San Diego County Water Authority for Transfer of Conserved Water (December 21, 2009). This agreement implements a settlement between the Water Authority and IID regarding the base contract price of transferred water.

Federal, State, and Local Permits/Approvals

Federal Endangered Species Act Permit. The U.S. Fish and Wildlife Service (USFWS) issued a Biological Opinion on January 12, 2001, that provides incidental take authorization and certain measures required to offset species impacts on the Colorado River regarding such actions.

State Water Resources Control Board (SWRCB) Petition. SWRCB adopted Water Rights Order 2002-0016 concerning IID and Water Authority's amended joint petition for approval of a long-term transfer of conserved water from IID to the Water Authority and to change the point of diversion, place of use, and purpose of use under Permit 7643.

Environmental Impact Report (EIR) for Conservation and Transfer Agreement. As lead agency, IID certified the Final EIR for the Conservation and Transfer Agreement on June 28, 2002.

U. S. Fish and Wildlife Service Biological Draft Biological Opinion and Incidental Take Statement on the Bureau of Reclamation's Voluntary Fish and Wildlife Conservation Measures and Associated Conservation Agreements with the California Water Agencies (12/18/02). The USFWS issued the biological opinion/incidental take statement for water transfer activities involving the Bureau of Reclamation and associated with IID/other California water agencies' actions on listed species in the Imperial Valley and Salton Sea (per the June 28, 2002 EIR).

Addendum to EIR for Conservation and Transfer Agreement. IID as lead agency and Water Authority as responsible agency approved addendum to EIR in October 2003.

Environmental Impact Statement (EIS) for Conservation and Transfer Agreement. Bureau of Reclamation issued a Record of Decision on the EIS in October 2003.

CA Department of Fish and Game California Endangered Species Act Incidental Take Permit #2081-2003-024-006). The CDFG issued this permit (10/22/04) for potential take effects on state-listed/fully protected species associated with IID/other California water agencies' actions on listed species in the Imperial Valley and Salton Sea (per the June 28, 2002 EIR).

California Endangered Species Act Permit. A CESA permit was issued by California Department of Fish and Game (CDFG) on April 4, 2005, providing incidental take authorization for potential species impacts on the Colorado River.

All-American Canal (AAC) and Coachella Canal (CC) Lining - Written Contracts or other Proof

The expected supply and costs associated with the lining projects are based primarily on the following documents:

U.S. Public Law 100-675 (1988). Authorized the Department of the Interior to reduce seepage from the existing earthen AAC and CC. The law provides that conserved water will be made available to specified California contracting water agencies according to established priorities.

California Department of Water Resources - Metropolitan Funding Agreement (2001). Reimburse Metropolitan for project work necessary to construct the lining of the CC in an amount not to exceed \$74 million. Modified by First Amendment (2004) to replace Metropolitan with the Authority. Modified by Second Amendment (2004) to increase funding amount to \$83.65 million, with addition of funds from Proposition 50.

California Department of Water Resources - IID Funding Agreement (2001). Reimburse IID for project work necessary to construct a lined AAC in an amount not to exceed \$126 million.

Metropolitan - CVWD Assignment and Delegation of Design Obligations Agreement (2002). Assigns design of the CC lining project to CVWD.

Metropolitan - CVWD Financial Arrangements Agreement for Design Obligations (2002). Obligates Metropolitan to advance funds to CVWD to cover costs for CC lining project design and CVWD to invoice Metropolitan to permit the Department of Water Resources to be billed for work completed.

Allocation Agreement among the United States of America, The Metropolitan Water District of Southern California, Coachella Valley Water District, Imperial Irrigation District, San Diego County Water Authority, the La Jolla, Pala, Pauma, Rincon, and San Pasqual Bands of Mission Indians, the San Luis Rey River Indian Water Authority, the City of Escondido, and Vista Irrigation District (October 10, 2003). This agreement includes

assignment of Metropolitan's rights and interest in delivery of 77,700 AF of Colorado River water previously intended to be delivered to Metropolitan to the Water Authority. Allocates water from the AAC and CC lining projects for at least 110 years to the Water Authority, the San Luis Rey Indian Water Rights Settlement Parties, and IID, if it exercises its call rights.

Amended and Restated Agreement between Metropolitan and Water Authority for the Exchange of Water (October 10, 2003). This agreement was executed pursuant to the QSA and provides for delivery of the conserved canal lining water to the Water Authority.

Agreement between Metropolitan and Water Authority regarding Assignment of Agreements related to the AAC and CC Lining Projects. This agreement was executed in April 2004 and assigns Metropolitan's rights to the Water Authority for agreements that had been executed to facilitate funding and construction of the AAC and CC lining projects:

Assignment and Delegation of Construction Obligations for the Coachella Canal Lining Project under the Department of Water Resources Funding Agreement No. 4600001474 from the San Diego County Water Authority to the Coachella Valley Water District, dated September 8, 2004.

Agreement Regarding the Financial Arrangements between the San Diego County Water Authority and Coachella Valley Water District for the Construction Obligations for the Coachella Canal Lining Project, dated September 8, 2004.

Agreement No. 04-XX-30-W0429 Among the United States Bureau of Reclamation, the Coachella Valley Water District, and the San Diego County Water Authority for the Construction of the Coachella Canal Lining Project Pursuant to Title II of Public Law 100-675, dated October 19, 2004.

California Water Code Section 12560 et seq. This Water Code Section provides for \$200 million to be appropriated to the Department of Water Resources to help fund the canal lining projects in furtherance of implementing California's Colorado River Water Use Plan.

California Water Code Section 79567. This Water Code Section identifies \$20 million as available for appropriation by the California Legislature from the Water Security, Clean Drinking Water, Coastal, and Beach Protection Fund of 2002 (Proposition 50) to DWR for grants for canal lining and related projects necessary to reduce Colorado River water use. According to the Allocation Agreement, it is the intention of the agencies that those funds

will be available for use by the Water Authority, IID, or CVWD for the AAC and CC lining projects.

California Public Resources Code Section 75050(b)(1). This section identifies up to \$36 million as available for water conservation projects that implement the Allocation Agreement as defined in the Quantification Settlement Agreement.

Federal, State, and Local Permits/Approvals

AAC Lining Project Final EIS/EIR (March 1994). A final EIR/EIS analyzing the potential impacts of lining the AAC was completed by the Bureau of Reclamation (Reclamation) in March 1994. A Record of Decision was signed by Reclamation in July 1994, implementing the preferred alternative for lining the AAC. A re-examination and analysis of these environmental compliance documents by Reclamation in November 1999 determined that these documents continued to meet the requirements of the NEPA and the CEQA and would be valid in the future.

CC Lining Project Final EIS/EIR (April 2001). The final EIR/EIS for the CC lining project was completed in 2001. Reclamation signed the Record of Decision in April 2002. An amended Record of Decision has also been signed to take into account revisions to the project description.

Mitigation, Monitoring, and Reporting Program for Coachella Canal Lining Project, SCH #1990020408; prepared by Coachella Valley Water District, May 16, 2001.

Environmental Commitment Plan for the Coachella Canal Lining Project, approved by the US Bureau of Reclamation (Boulder City, NV) on March 4, 2003.

Environmental Commitment Plan and Addendum to the All-American Canal Lining Project EIS/EIR California State Clearinghouse Number SCH 90010472 (June 2004, prepared by IID).

Addendum to Final EIS/EIR and Amendment to Environmental Commitment Plan for the All-American Canal Lining Project (approved June 27, 2006, by IID Board of Directors).

Carlsbad Desalination Project – Written Contracts or other Proof

The expected supply and costs associated with the Carlsbad Desalination Project are based primarily on the following documents:

Development Agreement between City of Carlsbad and Poseidon (October 2009). A Development Agreement between Carlsbad and Poseidon was executed on October 5, 2009

Agreement of Term Sheet between the Water Authority and Poseidon Resources (July 2010). The Water Authority approved the Term Sheet at its July 2010 Board Meeting. The Term Sheet outlines the terms and conditions of a future Water Purchase Agreement with Poseidon and allocates the resources to prepare the draft Water Purchase Agreement.

Federal, State, and Local Permits/Approvals

Carlsbad Desalination Project Final EIR (June 2006). The City of Carlsbad certified the Final EIR and the final Notice of Determination for the project was signed on June 14, 2006.

NPDES Discharge Permit (August 2006). The Regional Water Quality Control Board issues the NPDES Discharge Permit for the project on August 16, 2006.

Drinking Water Permit (October 2006). The California Department of Health Services approved the Conditional Drinking Water Permit on October 19, 2006.

Coastal Development Permit (November 2007). The California Coastal Commission approved, with conditions, the Coastal Development Permit on November 15, 2007. The Coastal Development Permit allows construction and operation of the project in the Coastal Zone.

State Lands Commission Lease Application (August 2008). Amends lease of land by Cabrillo Power I LLC (Cabrillo) from the State Lands Commission for the lands where the project will be constructed. Cabrillo and Poseidon entered into agreement on July 1, 2003, authorizing Poseidon to use those lands to construct the project.

Addendum to Final EIR (September 2009). An Addendum to the Final EIR was certified by the City of Carlsbad and Notice of Determination for the Addendum was signed on September 15, 2009. The Addendum modified water conveyance pipeline alignments.

Carryover Storage and San Vicente Dam Raise Project – Written Contracts or other Proof

The expected dry-year supply and costs associated with 100,000 AF of carryover storage at San Vicente Dam and Reservoir are based primarily on the following documents:

Agreement Between the San Diego County Water Authority and the City of San Diego for the Emergency Storage Project (Expansion of San Vicente Reservoir) (May 1998).

Agreement allowing the Water Authority emergency storage and future carryover storage rights in San Vicente Reservoir, where the City maintains ownership and operation of the expanded San Vicente Dam and Reservoir facilities.

City of San Diego Ordinance Number O-18521 (May 1998). Ordinance passed by the City of San Diego City Council authorizing execution of above 1998 Agreement between the City and Water Authority.

Principles of Understanding Between the City of San Diego and the San Diego County Water Authority for the Emergency Storage Project (Operation of the San Vicente Reservoir and Lake Hodges Facilities) (February 2003). POU amending the 1998 Agreement clarifying operation of the expanded San Vicente Reservoir for emergency storage, and maintaining allowance for future expansion for carryover storage capacity.

Principles of Understanding Between the San Diego County Water Authority and the City of San Diego for the Operation of the San Vicente Reservoir Implemented Under the Carryover Storage Project (August 2008). POU amending the 1998 Agreement and 2003 POU establishing protocols for cooperation between the Water Authority and the City during carryover storage project implementation; issues included a reservoir regulating plan, operating plan, water quality studies, operation of existing City facilities, and land acquisition.

Federal, State, and Local Permits/Approvals

Carryover Storage and San Vicente Dam Raise EIR/EIS (April 2008). As CEQA lead agency, the Water Authority's Board of Directors certified the Final EIR/EIS on April 24,

2008. As NEPA lead agency, the U.S. Army Corps of Engineers issued a Record of Decision on the Final EIS on January 8, 2009.

California Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification (October 2008). RWQCB issued a Section 401 Certification on October 27, 2008, Water Quality Certification Number 08C-047.

U.S. Fish & Wildlife Service Biological Opinion for the San Diego County Water Authority's Carryover Storage and San Vicente Dam Raise Project (October 2008). U.S. Fish & Wildlife Service issued a Biological Opinion on October 28, 2008, B.O. Number 2008B0061-2008F0732.

California Department of Fish & Game Streambed Alteration Agreement (October 2008). California Dept. of Fish & Game issued Streambed Alteration Agreement #1600-2008-0216-R5 on October 24, 2008, per Section 1602 of the Fish & Game Code.

U.S. Army Corps of Engineers Section 404 Permit (February 2009). U.S. Army Corps of Engineers issued a Section 404 permit on February 12, 2009, Permit Number SPL-200-01015-RRS.

Semitropic Original Water Bank - Written Contracts or other Proof

The expected supply and costs associated with out-of-county storage and transfer water are based primarily on the following documents:

Amended and Restated Assignment Agreement (June 2008). Assignment and purchase of Vidler Water Company, Inc. rights, title, interest and obligations in the Semitropic Water Banking and Exchange Program

Consent to Assignment (July 2008). Fulfills the condition precedent described in Section 3 of the Amended Assignment Agreement, including the requirements of subsections 3.1 and 3.2. The Second Amended Agreement and Third Amendment and the Fourth Amendment are incorporated in its entirety.

Memorandum of Assignment of Vidler-Semitropic Water Banking and Exchange Program (July 2008). Assigned to the Water Authority 18.5 percent of the rights and obligations of the Semitropic Water Banking and Exchange Program from Vidler Water Company, Inc.

Agreement Among The Department of Water Resources, Metropolitan Water District and Sutter Extension Water District for Storage and Conveyance of 2008 Transfer Water (April 2008). Set forth provisions governing the storage and conveyance of 13,071 af of Transfer Water (before conveyance and carriage losses) via State Water Project facilities.

Sutter Extension Water District and the Water Authority Memorandum of Understanding for Transfer of Water (February 2008 and March 2008, respectively). Memorialize the agreement for program development, environmental review, and other preliminary actions necessary for an agreement for transfer of water on the general terms provided in Memorandum.

Agreement Among The Department of Water Resources, Metropolitan Water District and Butte Water District for Storage and Conveyance of 2008 Transfer Water (April 2008). Set forth provisions governing the storage and conveyance of 10,006 af of Transfer Water (before conveyance and carriage losses) via State Water Project facilities.

Butte Water District and the Water Authority Memorandum of Understanding for Transfer of Water (February 2008 and March 2008, respectively). Memorialize the agreement for program development, environmental review, and other preliminary actions necessary for an agreement for transfer of water on the general terms provided in Memorandum.

Agreement for Exchange and Conveyance of Water between MWD and the Water Authority (September 2008). Agreement between the Water Authority and MWD to exchange water utilizing its storage and recovery rights in Semitropic's Groundwater Storage Program.

Consent Agreement (September 2008). Semitropic consents to the assignment by MWD from MWD's Semitropic Storage Account to the Water Authority's Semitropic Storage Account of approximately 16,117 af of water.